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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTOPHER DUGGAN,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, et al.,

Defendant(s).

2:14-CV-487 JCM (VCF)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Ferenbach. (Doc. # 2). No objections have been filed even though the deadline for filing objections has passed.

After granting *pro se* plaintiff Christopher Duggan's motion for leave to proceed *in forma pauperis*, Magistrate Judge Ferenbach recommended that the complaint be dismissed for failure to comply with Federal Rule of Civil Procedure 8(a). (Doc. # 2).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
2 judge's report and recommendation where no objections have been filed. *See United States v.*
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
4 district court when reviewing a report and recommendation to which no objections were made); *see*
5 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
8 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
9 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
14 in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
17 recommendation of Magistrate Judge Ferenbach (doc. # 2) are ADOPTED in their entirety.

18 IT IS FURTHER ORDERED that plaintiff's complaint is DISMISSED without prejudice.

19 IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the entry of this
20 order to file an amended complaint correcting the deficiencies identified in Magistrate Judge
21 Ferenbach's report and recommendation. Failure to file an amended complaint within this time
22 period may result in dismissal of plaintiff's claims with prejudice.

23 DATED July 2, 2014.

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25 
26 **UNITED STATES DISTRICT JUDGE**
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